

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

CURTIS JEROME MCELYEA,

Petitioner,

VS.

NO. 4:06-CV-551-A

NATHANIEL QUARTERMAN,  
DIRECTOR, TEXAS DEPARTMENT  
OF CRIMINAL JUSTICE,  
CORRECTIONAL INSTITUTIONS  
DIVISION,

Respondent.

O R D E R

Came on for consideration the above-captioned action wherein Curtis Jerome McElyea ("McElyea") is petitioner and Nathaniel Quarterman, Director, T.D.C.J., Correctional Institutions Division, is respondent. This is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. On December 12, 2006, 2006, the United States Magistrate Judge issued his proposed findings, conclusions, and recommendation that McElyea's petition be dismissed as time barred. The magistrate judge ordered that the parties file objections, if any, to his proposed findings, conclusions, and recommendation by January 3, 2007. On January 9, 2006,<sup>1</sup> petitioner filed a written objection. Respondent has not made any further response.

In accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, the court makes a de novo

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<sup>1</sup>Though petitioner's objections were filed a few days late, the court nonetheless considered them.

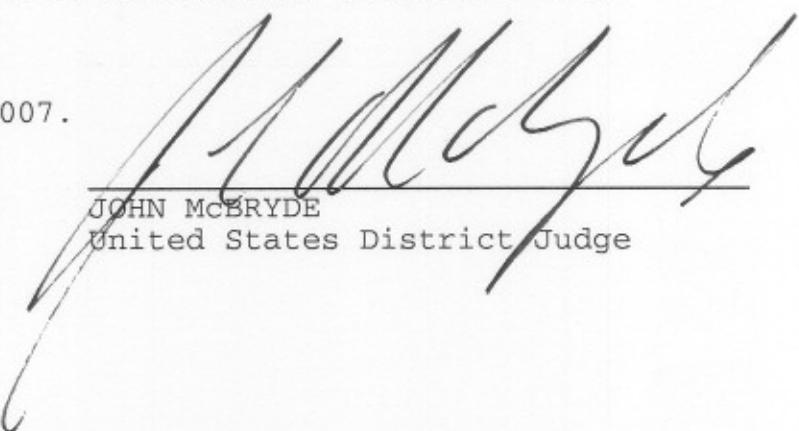
determination of those portions of the proposed findings or recommendations to which specific objection is made. United States v. Raddatz, 447 U.S. 667 (1980). The court is not addressing any nonspecific objections or any frivolous or conclusory objections. Battle v. United States Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987).

Petitioner's only objection concerns the purported ambiguity of one or more Texas statutes that he believes have negatively affected his status for parole. He makes no specific objection to the magistrate judge's finding that his petition should be dismissed as time barred.

Therefore,

The court accepts the findings, conclusions and recommendation of the magistrate judge and ORDERS that the petition in this action be, and is hereby, dismissed with prejudice.

SIGNED January 22, 2007.

  
JOHN McBRYDE  
United States District Judge